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March 10th, 2011

VIA HAND DELIVERY

The Hon. Richard M. Berman, U.S.D.J.

The Hon. Richard J. Holwell, U.S.D.J.

Re: Barley v. City of New York et al.
11 CIV 1300 (RJH)
Raia v. City of New York et al.
11 CIV 1301 (RMB)

MEMO ENDORSED
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Your Honors:

We represent the Defendants in the above-referenced cases. We removed both cases from the Supreme Court of New York, Bronx County, on February 24, 2011. The first, Barley v. City, was assigned to Judge Holwell, and the second, Raia v. City, to Judge Berman. The cases, however, involve virtually identical allegations and claims, as is discussed below. We thus respectfully request that, as a matter of judicial economy and efficiency, Your Honors transfer one of the cases to the other court's docket, so that they can be presided over together.

Specifically, both plaintiffs are former New York City Department of Correction employees alleging violations of 42 U.S.C. Section 1983 based on their development of personal injuries from purported exposure to toxic substances at the Rikers Island Correctional Facility. Both plaintiffs assert that Defendants' negligence caused this exposure and that this alleged misconduct violated their constitutional rights. The allegations as set forth in their complaints are virtually identical and they are represented by the same counsel. (Copies of the complaints are also enclosed for Your Honors' convenience). Moreover, Defendants believe no legal basis exists for these claims and they will be moving to dismiss both actions pursuant to Fed. R. Civ. P. 12(b) utilizing the identical arguments.

We thank Your Honors for your attention to this matter.

Very Truly Yours,


Noe Ramon Ilano Esq. (NI6225)

Cc: Jean Prabhu, Esq – w/o attachments

The initial pre-trial conference
scheduled for 3/31/11 in
Rais v. City of New York,
11 Civ. 1301 is vacated.

SO ORDERED:

Date: 3/29/11

Richard M. Berman

Richard M. Berman, U.S.D.J.

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